

Notice of Allowability

Application No.

10/678,758

Examiner

Lan Vinh

Applicant(s)

ZHUANG ET AL.

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment and response filed on 6/1/2007.
2. ☒ The allowed claim(s) is/are 1-4 and 8-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Lan Vinh
AU 1765



EXAMINER'S AMENDMENT

1. The application has been amended as follows:

Claims 5-6 have been canceled

This application is in condition for allowance except for the presence of claims 5-6 directed to Group II non-elected without traverse in a response filed on 11/17/2005. Accordingly, claims 5-6 been cancelled.

Allowable Subject Matter

2. Claims 1-4, 8-19 allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 14, 18, 19, the applicants have presented persuasive argument, see pages 11-15 of the response filed on 6/1/2007 that the cited reference of Ogawa fails to disclose or suggest a method for forming a vertical ferrocapacitor comprises a step of second etching, after depositing the electrode layer, to form gaps in the electrode layer and the insulating layer at the bottom of the opening because in Ogawa, the bore 60/gap is made through the second interlayer insulating film 22, not the insulating layer under the ferroelectric material as required by claims 1, 14, 18, 19. Therefore, the rejection(s) of claims 1, 14 under 35 U.S.C 102(e)/the rejection(s) of claims 18, 19 under 35 U.S.C 103(a) based on Ogawa have been withdrawn. Regarding claim 17, the applicants have presented persuasive argument, see page 14 of the response filed on 6/1/2007 that the combination of Ogawa and Higo fails to disclose or suggest a method for forming a vertical ferrocapacitor comprises a step of second

etching, after depositing the electrode layer, to form gaps in the electrode layer and the insulating layer at the bottom of the opening as required in claim 17. Thus, the rejection of claim 17 under 35 U.S.C 103(a) based on Ogawa and Higo has been withdrawn.

The reasons for allowance of claims 13, 16 have been stated in the previous office action (mailing date 3/2/2007)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471.

The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

LV 

August 16, 2007